

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

LEHMAN BROTHERS HOLDINGS INC., et al.

**Chapter 11
Case No. 08-13555 (SCC)**

Debtors.
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ORDER DIRECTING EXAMINATION AND PRODUCTION OF DOCUMENTS

Upon the Application, dated July 2, 2018 (the “Application”)¹ of Fondo de Proteccion Social de los Depositos Bancarios, f/k/a Fondo de Proteccion Social de los Depositos Bancarios y Proteccion Bancaria (“FOGADE”) pursuant to Bankruptcy Rule 2004, for entry of an order: (i) authorizing FOGADE, by its counsel, to issue subpoenas upon the Debtors, Epiq Systems (“Epiq”), and the plan administrator (the “Plan Administrator”), directing the production of documents identified in Exhibit “A” annexed to the Application, and further directing the oral examination of a representative of the Debtors, Epiq, and the Plan Administrator; (ii) authorizing the issuance of third party subpoenas (the “Third Party Subpoenas”) related to the allowed claims and distributions made on account of the structured notes which are the basis for FOGADE’s allowed distributions; and (iii) allowing, as may be necessary, for the submission of commissions to allow for the discovery outside of this District and overseas; and this Court having jurisdiction to consider the Application and the relief requested therein in accordance with 28 U.S.C. § 1334; and consideration of the Application and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having determined that the relief requested in the Application is in the best interests of the Debtor’s estate, creditors and other parties-in-interest; and the Court

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Application.

having determined that the legal and factual bases set forth in the Application establish just cause for the relief granted herein; and upon all of the other proceedings had before the Court and after due deliberation and sufficient cause appearing therefor; it is

ORDERED, that the Application is granted on the terms set forth herein; and it is further

ORDERED, that FOGADE is authorized to issue the Subpoenas, directing the production of documents requested in Exhibit A to the Application, and further directing the oral examination of a representative of the Debtors, Epiq and the Plan Administrator; and it is further

ORDERED, that FOGADE is authorized to issue the Third Party Subpoenas related to the allowed claims and distributions made on account of the structured notes which are the basis for FOGADE's allowed distributions; and it is further

ORDERED, that FOGADE may submit commissions as may be necessary to allow for the discovery outside of this District and overseas; and it is further

ORDERED, that unless agreed to by FOGADE in writing, the above named entities shall have thirty (30) days from the service of the Subpoenas to (1) produce to FOGADE all responsive documents requested in the Subpoenas and (2) serve FOGADE with its objections and responses to the Subpoenas; and it is further

ORDERED, that unless otherwise agreed to by FOGADE, if the Debtors, Epiq or the Plan Administrator withhold any documents requested in the Subpoenas based upon a claim of privilege, they are directed to provide counsel for FOGADE with a privilege log, containing the information required under Bankruptcy Rule 7026 and S.D.N.Y. Local Civil Rule 26.2, within thirty (30) days of service of the Subpoenas; and it is further

ORDERED, that this Order is without prejudice to FOGADE's right to file further applications seeking additional documents and testimony pursuant to Bankruptcy Rule 2004(a) or any other applicable law; and it is further

ORDERED, that this Court shall retain jurisdiction to resolve any disputes arising or related to this Order including any discovery disputes that may arise between or among the parties and to interpret, implement and enforce the provisions of this Order.

Dated: New York, New York

_____, 2018

HON. SHELLEY C. CHAPMAN
UNITED STATES BANKRUPTCY JUDGE